

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

VIRGINIA GAIL MULLINS,

Plaintiff,

v.

Civil Action No. 15-11934

CAROLYN W. COLVIN,
Acting Commissioner of the Social
Security Administration,

Defendant.

MEMORANDUM OPINION AND ORDER

The court having received the Proposed Findings and Recommendation of United States Magistrate Judge Dwane L. Tinsley, entered on August 10, 2016; and the magistrate judge having recommended that the court reverse the final decision of the Commissioner, remand this matter pursuant to sentence four of 42 U.S.C. § 405(g), and dismiss this action, with prejudice, from the docket of the court; and no objection having been filed to the Proposed Findings and Recommendation, it is ORDERED that:

1. The findings made in the Proposed Findings and Recommendation of the magistrate judge be, and they hereby are, adopted by the court and incorporated herein;

2. The Plaintiff's request for a remand be, and it hereby is, granted;

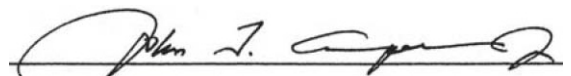
3. The Defendant's request to affirm the decision of the Commissioner be, and it hereby is, denied;

4. The decision of the Commissioner be, and it hereby is, reversed;

5. This action be, and it hereby is, remanded pursuant to sentence four of 42 U.S.C. § 405(g), for further proceedings which shall include consideration of new evidence, entered into the record by the Appeals Council as Exhibits 23F and 24F, as it relates to the severity of the Plaintiff's disc protrusion and lumbago, and as more fully set forth in the magistrate judge's Proposed Findings and Recommendation.

The Clerk is directed to forward copies of this written opinion and order to all counsel of record and the United States Magistrate Judge.

DATED: September 6, 2016

A handwritten signature in black ink, appearing to read "John T. Copenhaver, Jr.", is written over a horizontal line.

John T. Copenhaver, Jr.
United States District Judge